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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,948	01/17/2001	Carol Cummiskey	12552-00171	6195

7590

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EXAMINER

LOFDAHL, JORDAN M

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,948

Applicant(s)

CUMMISKEY, CAROL

Examiner

Jordan Lofdahl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on election (5/3/04).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 12-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 1-10 and 12-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/3/04.

Applicant's election with traverse of Invention III; claims 16-40 in the reply filed on 5/3/04 is acknowledged. The traversal is on the ground(s) that Inventions I-III are related and a burden to the examiner. This is not found persuasive because Invention I and II are not capable of use together. Invention II discloses the method step of accessing a shipping wizard which is not disclosed or used in Invention I. The claims of Invention I and II are deemed a burden to the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Response to Arguments

Applicant's arguments filed 2/26/04 have been fully considered but they are not persuasive.

Arguments regarding non-elected claims are considered moot.

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Arguments for claims 16-40 are not persuasive. Williams et al. discloses all the limitations of claim 16 as described below.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not describe or disclose a client subsystem; a user identification number; tracking component; sending component, mouse button, voice command, unauthorized individuals, collection component, information fulfillment component; downloading the accessed information after retrieving from the centralized database to a plurality of users in an order in which inquiries were received by the receiving component; identifier; real time basis;

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: "18". Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al. (US2002/0032573).

As to claim 16, Williams et al. discloses a device comprising a client sub-system comprising a browser; a centralized database and a server sub-system (fig. 3) capable of being configured to receive shipping information; compare shipping information; select at least one shipping carrier; display the shipping carrier and accept at least one of a user ID and password.

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As to claim 17, disclosed is displaying component (computer monitor) capable of displaying a home page and a sending component (connection means between computers) capable of sending an inquiry.

As to claim 18, disclosed is a mouse button.

As to claim 19, disclosed is the sending component capable of functioning in response to a voice command.

As to claim 20, disclosed is the system capable of being configured to be protected from unauthorized individuals.

As to claim 21, disclosed is a sub-server (fig. 3) capable of being configured with a collection component (database/servers; fig. 3); a tracking component (database/servers; fig. 3); a displaying component (monitor); a receiving component (computer); and an accessing component (computer).

As to claim 22, disclosed is the server sub-system capable of being configured with a receiving component.

As to claim 23, disclosed is the server sub-system capable of being configured with a processing component.

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As to claim 24, disclosed is a retrieving component (fig. 3).

As to claim 25, disclosed is an information fulfillment component (internet).

As to claim 26, disclosed is the server sub-system capable of being configured receive a place of origin; update the carrier information and store the information.

As to claim 27, disclosed is a device connected to a client sub-system.

As to claim 28, disclosed is the server sub-system capable of being configured to update carrier info and store the info.

As to claim 29, disclosed a server sub-system capable of being configured to track the carrier info system and store the info.

As to claim 30, disclosed a server sub-system capable of being configured to download requested information and display the requested info.

As to claim 31, disclosed is a printer.

As to claim 32, disclosed is an acceptance of an inquiry by a user.

As to claim 33, disclosed the server capable of receiving an inquiry and display information on the client.

As to claim 34, disclosed is the submitting of requests on a pull down menu.

As to claim 35, disclosed is the server capable of displaying HTML documents.

As to claim 36, disclosed is displaying alternatives.

As to claim 37, disclosed is the server capable of being configured to access the database; search the database; retrieve info; and transmit the info.

As to claim 38, disclosed is a home page (fig. 7).

As to claim 39, disclosed is a server.

As to claim 40, disclosed is an internet.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Lofdahl whose telephone number is 703.605.1217. The examiner can normally be reached on m-f 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carone Michael can be reached on 703.306.4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jml


SUPERVISORY PATENT EXAMINER